

MURANGA COUNTY ASSEMBLY

THE HANSARD

Wednesday 19th October 2016.

The House met at 9:50 a.m.

(Deputy Speaker Hon. Gachui Mungai in the Chair)

PRAYERS

MOTION

ADOPTION OF LIAISON COMMITTEE REPORT ON COMMITTEES' ANNUAL PROGRESS REPORT FY 2015/2016

Hon. Duncan Njuguna: On behalf of the chair who happens to be chairing the plenary this morning I beg to move the following motion;

That this Assembly adopts the report of the Liaison committee on committees annual progress report for the fiscal year 2015/2016 laid on the table of the Assembly on Tuesday October 18th, 2016.

The Liaison committee is mandated by the standing orders of this Assembly to check and co-ordinate all the other committees. The membership is all the chairmen of the standing committees and sectoral committees and they are mandated to check even the progress of all the other committees.

The committee sat down and held a meeting in Mombasa for all the chairs to do a presentation of the progress of the motions, reports and Bills, responses to statements that were done during the fiscal year 2015 /2016 that is from July 2015 to June 2016.

All the chairs presented to the Liaison committee various reports that they have stated during the year and I can report that the committees did a very good job and we had a very good business for the year in this House because, we had so many reports that emanated from the committees.

We had many Bills emanating from the committees and also the responses to statements from Hon. members and therefore the report that I am reading is in members files and I hope that members placed in different committees can be able to see how their committees performed.

What is in the report is what was represented by the chairs on the material date. Otherwise on the committee recommendations, if you may allow, on page 44 we have about ten of them and I cannot go through all of them but I will just highlight one or two.

On recommendation number one, the Assembly committees should ensure that reports are written after every visit, study tour or workshop attended as this will help in ensuring follow up on the implementation of resolutions in form of recommendations generated out of such meetings. It is the mandate of such committee to see that when they go outside the precincts of the Assembly they should submit a report to the Liaison committee for perusal and then be forwarded to the House Business and Rules committee for allocation of dates in the order paper. These are some of the recommendations; to be able to track the reports coming from the various committees.

The committees while playing their oversight role should exhaust their powers and privileges provided by various provisions in the law such as Article 185 of the Constitution 2010, section 17 of the County Governments Act and County Assembly standing order 125; this includes powers to summon witnesses, receive evidences and request for and receive papers from government and public that is the government officers.

On that, the committees are mandated and given powers by the law of this land and even the Constitution and standing orders and I do not see the reason why they should not exhaust and give proper reports which will be able to make the county move.

On number seven, the county executive should ensure they present to the Assembly on various policies and concept papers before implementation of any programs. We have been having a lot of problems on implementation of policies because we do not ensure that we have proper policies in place. For example the nursery school feeding program which is having a lot of problems because there are some schools which are not getting the facilitation to feed their children because there is no proper policy in place. If the recommendations are taken seriously, we should be receiving policy and concept papers so that whatever is being implemented by the executive will be proper and in place.

On recommendation number eight, the County Public Service Board (CPSB) in collaborations with the County Executive Committee (CEC) member in charge of public service and administration should hire competent staff to draft Bills and policies. The problem we are having is that we do not have competent staff to draft Bill and policies. We do have the Development Bill 2015, which was supposed to have been deliberated in October /November last year. Until today, a year later, the drafting of the Bill is still in stages. We went out for a workshop and there were so many errors and clauses contravening the law of this country. We are having that problem and I concur with the recommendation that Public Service Board should hire drafters and policy makers.

On the last one, number ten, the Assembly should issue comprehensive satisfactory responses to statements which should include evidence gathering on the particular problem from the county executive and appropriate measures to address the same.

We have been having a problem since most of them have been challenged by the questioner because they are not comprehensive. Even if I am the one who have made the request concerning a matter that should be addressed in Gitugi, it cuts across all the wards in the county; that is why we require a comprehensive response. The county executive should take these recommendations and also try and see that they take whatever we have said so that we can have good reports, policy papers and Bills.

Committees should take their mandate seriously because they are protected by the law and the Constitution of this Republic. With those few remarks I call hon. Bernard Kariuki to second the motion. Thank you Mr. Speaker.

Hon. Bernard Kariuki: Thank you Mr. Speaker, I rise to second this important motion and request members to support the same. Without adding much to what the mover has said I could comment one or two things about his motion.

The work of Liaison committee is very important in the functioning of the Assembly. In our current system, the Assembly can only operate from the committees. The role of this committee is important and stipulated in the standing order 196 because it carries out the co-ordination of other committee, we can only deal with matters of the public concern at the committee level so that we can come here in the Assembly to approve or disapprove. Committees play a very important role in how Assemblies operate, it is not only in this Assembly even the National Assembly also the other 46 Assemblies.

How the Liaison committee works is very important because it will have the overall impact over the other committees. What I would comment on the recommendations of the Liaison committee, is to urge our committees to be able to finish their reports on time especially when they do site visit. Since this is the major way we can be able to generate business for this Assembly. When a committee is able to do a report it enables the Assembly to debate from the point of information. If committee can be able to do reports then the Assembly would have unlimited business. There are so many areas we can be able to report

on: issues of public concern, oversight, budget and other areas where committee can be able to give this Assembly business. We also need in our committees to first track pending Bills, legislative proposals initiated by the committees themselves or proposed by the executive; that way we will be able to have proper output as the Assembly.

Our work as an Assembly will be measured by the legislative output that we will have done by the end of the five years, compared to the executive who will be measured by the number of projects they will have implemented. Here in the Assembly it will be by the number of the Acts, motions and reports we will have approved or rejected. It is important for committees to first track Bills and also reports.

The mover has talked about the issue of the statements, we require the committees through their respective chairpersons to issues on time because it is only through statements that people, especially members, will be able to oversight the executive. When members ask questions, they ask questions on behalf of the people they represent.

Committees must undertake to report on time on statements, so that they do not deny the role of representation of the Hon. members. This can be enhanced by the respective committees having a proper working formula with their respective county executive committee members so that they are able to report on time.

I personally believe that Sectoral committees should be able to deal with issues of public concern on time. As a county we have been faced with various issues ranging from Kenneth Matiba Hospital, Northern Collector Tunnel to many other areas. We need our committees to be working with speed, to report on those matters so that we remove controversies surrounding such issues that are of public concerns because Hon. Speaker, we represent the people, we do not represent anybody else, we represent the people of Murang'a and we have a duty to report to them with facts on various issue that concern them.

Therefore I request Hon. members to support this motion because it is going to align our committees so that they can flow smoothly. With those few remarks I second.

(Question proposed)

Hon. Samuel Wandia: Thank you Mr. Speaker, I support this annual progress report from Liaison committee and I have a few comments to put across.

One of the comments is the report for Finance sectoral committee, we called for the outstanding bills in the county government and indeed the bills were brought and we extracted the bills and forwarded to various sectoral committees; it is unfortunate that some of the committees did not respond and that one is still pending.

It is important, because our role is oversight, to work collectively to ensure that we get responses from county government on such bills. Otherwise we are not doing our role properly if we send such bills to committees and we get no response from some departments.

The other one is that four years down the line, this Assembly has allowed the county government to continue implementing projects without presenting policy papers. Concept papers are important because it is at this time that the Assembly will interrogate the projects. It is unfortunate projects are being run and no concept papers are put across to this Assembly, and our role is oversight, how do we oversight if at all we do not interrogate any concept paper?

We have got seven more months to go and I hope that they will be no more projects to be implemented. So I am praying that those of us who will be fortunate enough to get here, should never allow any project to be undertaken without the presentation of policy papers.

The Constitution is very clear that the county government should establish an audit office and we have operated without an audit office, so before we leave in August because we are

terminating after elections, let us go back home having ensured that an audit office has been established to audit the county government.

In this Assembly, we passed a resolution that we are going to employ a fiscal analyst. Four years down the line, we have not employed, all we are doing is that all financial motions and Bills we are passing them here without looking at the financial implications. I hope the Liaison committee will emphasize on employment of a fiscal analyst for financial motions and Bills to be scrutinized before debate in this Assembly.

For the last four years, the county government has operated without presenting policies in this Assembly for discussion and perusal and passage. I hope the situation will change, we should emphasize that the departments bring their policies we pass so that they can run their efficiently.

Thank you Mr. Speaker for allowing me to discuss the paper from Liaison.

Hon. Deputy Speaker: Hon. member for Muthithi it is good for you to be praying to your God that you make a comeback. According to your comment you said those who will be able to come back.

Hon. Kago Njoroge: Thank you Mr. Speaker, I stand to support this report. It seems as if those members who have just spoken are lamenting on the failure of the county government with hon. member from Muthithi who has no hopes of coming back saying that the Assembly and the executive have failed in coming up with policies.

It is not once or twice we have stood here making and passing budgets and we have been insisting on forwarding of policies which has never been done. We can only thank the executive member for education who usually tries to forward some of the policies on how he is implementing development in Early Childhood Development Education (ECDE) centres and polytechnics.

It is also amazing that some of the members of the executive who we call CEC's are going to vie for the MP's post and claim how they will perform once elected to the National Assembly, and you hear them say "When I become an MP I will help my youth to develop their skills." Then you wonder the same person was a CEC in the youth department and he has never forwarded even a single policy paper on how to develop the county youth to this Assembly to approve. They had a very good platform-----

(Hon. Duncan Njuguna rose on a point of order)

Hon. Deputy Speaker: Say which order has been violated

Hon. Duncan Njuguna: Mr. Speaker you will agree with me that we do not even have the Standing Orders, approved by this assembly so I do not have the Orders, but all the same is it in Order for the Hon. Member to use this Assembly as a platform to

Hon. Deputy Speaker: Hon. Member for Kamahuha Order! He is aware of what he was doing, continue

Hon. Duncan Njuguna: Is it in order for the hon. member for Mugoiri to use this Assembly as a platform for attacking an executive member who is opposing him in the Kiharu parliamentary seat contest.

Hon. Deputy Speaker: The Hon. member for Mugoiri is much in line with the debate, because the CEC in charge of youth has never brought any policy paper.

Hon. Kago Njoroge: Thank you Mr. Speaker for defending me, the hon. member who moved this motion lamented that the executive has failed, so i am wondering, where he got his information, I have not said that I am vying. In this Assembly, I am a member for Mugoiri.

As we talk about the failures of the county, and I said this during the impeachment motion, we should first ask the ministers what they have ever brought to this Assembly as policy to help the county. Whoever will vie for seats, their promises are what they should have done when we gave them this work.

When I heard an hon. member lamenting that the Assembly has failed in not engaging the ministers to make policies for numerous times we have gone to Kasarani, one day we were with their senior most lawyer Mr. Brown trying to discuss how they can sit down and formulate the policies which can help this county. In the last meeting, the meeting aborted after we stated what should be done, we should not be ashamed to say this.

If someone can come and stand against the Assembly, I will defend it. The other day when Members of Parliament wanted to pass a legislation regarding the education standards of the Members of the County Assembly and their inability to oversight, I disagreed. What we have been discouraging since we came here is what has been happening. It is not those of us who have failed.

I have also seen that in the Assembly we have not employed people who are good drafters of the law. I wish to thank the Speaker who looks for the lawyers to draft the Bills that we have. We have received very few Bills from the executive and whenever we have these challenges, even in answering statements yet we have employed experts in the executive who should be serving us.

I do not expect hon. Dishon to move around with files yet he is not an expert in building construction. Even if hon. Dishon does not have any hope of coming back, most of us are hopeful to come back. Even if he does not come back, his work will be remembered when he was saying that policies should be in place so that the county can operate with these policies. I support this report. I wish Liaison can always help us point out the ministries that have failed to bring policies and how they are working.

As we talk we need to be specific on each ministry and their failures such that we can pin these people on grounds of what has been researched.

Hon. Rebecca Mwicigi: I rise to support the motion. I am assuming that the executive will look at the report and come up with the policies that the members are talking of; the policies should be drafted.

In 2014 we visited Murang'a Nutri- Business that caters for Kandara, Ganga and Maragua and unfortunately I do not see it appearing in either of these reports neither in the Implementation committee nor in the Water and Agro-marketing committee. I wish this is included here.

Before going for this meeting, as committee members we need to all be involved in stating what should be included. We have the issue of implementation regarding a climate change task force which has never sat down because it has never been gazetted so that whatever it passes is legal and can be dealt with. With those few remarks, I support this report and we need to have the issues that were omitted be included in this report. Thank you very much.

Hon. Deputy Speaker: Mover to respond.

Hon. Duncan Njuguna: I would like to start with what hon. Rebecca has said; this report as I had earlier stated while moving, it is for 2015/2016. All 2014 reports, motions and Bills are not included here. On consultation, it is done at committee level, and the chair is the one to respond at the Liaison committee level on various issues.

On the ministries that have failed to deliver, we did not categorize but that is a good suggestion and idea so when we are doing the next one, 2016/2017, the committee will categorize the ministries that have failed, as even highlighted by hon. Kago about the youth and others.

On the executive, that is the implementation bit, the reports, motions and even the bills you find out that they are not implementing as per the recommendations and adoptions of this House so the Implementation committee will take up the matter and report to the liaison, for the necessary actions to be taken.

On the oversight role as highlighted by hon. Kago, it is the mandate of all the committees, therefore whatever findings they get when they are doing the oversight, they should be compiled and forwarded to the Public Accounts committee.

On the policies that are not forthcoming, some of these concept reports especially like in the Public Finance Management Act, they are stated very clearly that the CEC finance is supposed to submit those reports. That is the work of the sectoral committee to make sure they are delivered in time.

On the debts that the county owes the suppliers as stated by hon. Wandia, the committee on finance brought a report this year 2016/2017, which was broken down in various categories of suppliers and contactors. Therefore our recommendations should be included in the budget, so that when the budget is to be implemented the debts should be paid to the suppliers and contractors.

With those few remarks, I call upon the hon. members to support the report and await the 2016/2017. I also go by what hon. Kago has said that we do it quarterly, I find it in order since this year 2016/2017 will be a tough one. The earlier we do it quarterly the better so that we can face the challenges and the implementation of those reports and motions. Thank you.

(Question put and agreed to)

ADJOURNMENT

The House rose at 10:30 a.m.